



Date: 16 September 2002

Application No. : 09/804,792
Applicant(s) : PORAMASTE JINUPUN
Examiner : Tran N. Nguyen
Invention : Multi-Circular Flux Motor
Art Unit : 2834

#6/Response
Hawkins
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Dear Sir/Madam,

According to the Office Action Summary, the applicant would like to explain the reasons of why the drawings from Fig.11d to Fig.22 did not have the details of the windings. As the applicant concerns of methods to wound winding can be done by so many methods therefore the drawing from Fig.11d to Fig.22 could not show the detail of winding. The winding methods have been explained with texts and drawings (see in the initial parts of the application). The following is the summary of the initial part of application.

- 1) The drawings shown in Fig.2, Fig.3 and Fig.4 is basic winding method that generate multi-circular flux loops (this make very clear that impossible and no-way to be type 'a' as the attachment in Office Action Summary because type 'a' cannot create the multi-circular flux loops).
- 2) The drawings shown in Fig.6a and Fig.6b is non-overlap phase-winding methods.
- 3) The drawings shown in Fig.7a and Fig.7b is overlap phase-winding methods.

Making the clear drawings of how to wound the winding of invention in Fig.11d to Fig.22, the number of drawings will be increased to four times therefore the applicant reduces unnecessary drawings.

About claimed rejection, this makes the applicant in difficulty situation. First of all the application that filed at the UKPTO (Application No. 0022600.1) and the USPTO (Application No. 09/804,792) are exactly the same details. And the application in UK has been granted since 20 August 2002 and will be announced in the Patents and Designs Journal on 18 September 2002 as Patent Serial Number GB2366456. The applicant understand that USPTO may have different rule. However, all the claims wrote by UK examiner (as letter attachment) that why the application will be issued unlike in USA all the claims was rejected. As the reference, "Patent It Yourself", 8th edition, October 2000, David Pressman, Chapter 9, page 10 (as the attachment), "you can ask the examiner to write claims for you pursuant to this section if you feel your aren't adequate. The examiner is bound to do so if your invention is patentable". The applicant understand there might be some differences in between UKPTO and USPTO therefore the applicant needs help from the examiner to write all the claims for the invention.

Best Regard,

Poramaste Jinupun

PORAMASTE JINUPUN



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In sum, although you'd like to be able to eliminate as many elements as possible and recite all of your elements as broadly as possible, you will usually have to settle for less because there will always be prior art there to make you toe the line of novelty.

2. Unobviousness

As I've stressed, novelty isn't enough. The claims must define an invention that would be unobvious to one having ordinary skill in the art. Or to use the paraphrase of the law from Chapter 5, the novel feature(s) of the invention defined by each claim must have one or more new features that are important, significant, and produce valuable, unexpected new results. Thus, when you have to narrow a claim to define over the prior art, you must do so by adding one or more elements or by reciting existing elements more narrowly, and you must be sure that the added or narrowed elements define a structure or step that is sufficiently different from the prior art to be considered unobvious. More on this in Chapter 13.

For the last bit of bad news, note that if the wording of a claim has several possible interpretations, the examiner is entitled to use any one, including the one least favorable to you, in determining whether the claim clears the prior art.

Now that I've given you the bad news, I suggest you ignore it at this stage. You should try to write your main claim(s) as broadly as possible while keeping in mind the prior art that you've uncovered. In case of doubt, you should err on the side of too much breadth, since you can always narrow your claims later if your examiner thinks they're too broad. Conversely, if your examiner allows your narrow claims on your first office action (rare), you'll find it very difficult to broaden them later.

G. Technical Requirements of Claims

As stated, in addition to defining adequately over the prior art, each claim must also be worded in a clear, concise, precise, and rational way. If the wording of a claim is poor, the examiner will make a "technical" (non-prior art) rejection under Section 112. It is this technical aspect of drafting claims that most often serves as a stumbling block to the layperson. Yet claim drafting really won't be that hard if you:

- Study the sample claims listed later in this chapter, plus those of a few patents, to get the basic idea;
- Use the four-step method (preamble-element-interconnections-broaden) set out in Section H, below; and

- Are conversant with the appropriate terminology associated with your invention's elements.

Remember also that you needn't write perfect claims when you file the application. Why? Because if you have a patentable invention, you can have the examiner write them for you. A provision of the *Manual of Patent Examining Procedure*, Section 707.07(j), states:

When, during the examination of a pro se [no attorney] case, it becomes apparent to the examiner that there is patentable subject matter disclosed in the application [the examiner] shall draft one or more claims for the applicant and indicate in office action that such claims would be allowed if incorporated in the application by amendment.

This practice will expedite prosecution and offer a service to individual inventors not represented by a registered patent attorney or agent.

Although this practice may be desirable and is permissible in any case where deemed appropriate by the examiner, it will be expected to be applied in all cases where it is apparent that the applicant is unfamiliar with the proper preparation and prosecution of patent applications.

You do have to at least give it a try, since you must file at least one claim with your application to get a filing date. But, as indicated, this claim need not be well written or narrow enough for patent coverage. Instead, during the ensuing prosecution stage, you can ask the examiner to write claims for you pursuant to this section if you feel yours aren't adequate. The examiner is bound to do so if your invention is patentable.

If you do choose this option, be sure the examiner's claims are broad enough, since it isn't in the examiner's own interest to write broad claims for you. As with any other claim, ask yourself if any elements of the examiner's claim can be eliminated or recited more broadly and still distinguish adequately over the prior art. If so, amend it as I suggest in Chapter 13, Section E.

Also remember that many patent attorneys and agents will be willing to review or draft your claims at their regular hourly rates. But use this as a last alternative, since most patent attorneys in private practice charge \$100 to \$300 per hour. If possible, you should choose a company-employed patent attorney or a retired patent attorney who works at home, since such attorneys' rates will usually be one-half to one-third of those charged by their downtown counterparts. See Chapter 6, Section F, for how to find patent attorneys and agents.

Now that you know there's help out here, let's look at some of the basic rules covering the drafting of claims.

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Your Reference:
Application No: GB 0022600.1

11 April 2002

Dear Mr Jinupun

Patents Act 1977: Examination Report under Section 18(3)

Title: Multi-Circular Flux Motor

Latest date for reply: 22 August 2002

I have re-examined your application in response to your letter of 8 February 2002 and I am of the opinion that it still does not comply with the requirements of the Patents Act. My enclosed report explains why. Effectively, this report sets out the necessary revision of the description in the light of the new claims.

Further opportunity to file amendments

By the above date you should deal with the points raised in the report by filing amendments. These should be in the form of retyped pages filed in duplicate. However if you do not agree with the report, then you should explain your reasons in a letter.

No additional technical information allowed

You are reminded that when you reply you should avoid giving any additional technical information about the invention (such as a modification) either by way of amendment or in an accompanying letter, as this would prevent you from subsequently obtaining a patent based on this information.

Further action

If after receiving your reply there are still points which need attention, I will contact you again. Should we still disagree, then the matter can be referred to a senior officer who will consider the issues afresh. You would have the opportunity, in this event, to come to the

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Application No: GB 0022600.1

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Office and present your opinion personally.

Addressing correspondence

All correspondence should be addressed to the Comptroller.

While my e-mail address is provided above, you should note that the Office is unable to accept documents, such as amendments to the specification, transmitted by e-mail. Your official response to my report must therefore be delivered by post, fax or hand. However, you may use e-mail if you have any questions about the report or the processing of the application.

Consequence of failing to reply

The application may be refused unless you reply to this report by the date set.

Yours sincerely

John Cockitt
Examiner

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Paramash Singh*



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Your ref:

Application No: GB 0022600.1

Applicant: Poramaste Jinupun

Latest date for reply: 22 August 2002

Examiner: John Cockitt

Tel: 01633 814974

Date of report: 11 April 2002

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Patents Act 1977 Examination Report under Section 18(3)

Basis of the examination

1. My examination has taken account of the amendments agreed in your letter of 07 February 2002.

Statement of invention

2. A statement of invention corresponding to the broadest claim ie claim 1, should be inserted into the description. This is traditionally of the form "*Accordingly the present invention provides a polyphase reluctance machine comprising a first.....*" (and continuing with the remaining wording of claim 1)". This statement should be inserted as a paragraph at the top of p2 of the description immediately after the heading "Summary of the Invention".

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<http://www.patent.gov.uk>

Your Reference:
Application No: GB 0022600.1

17 October 2001

Dear Mr Jinupun

Patents Act 1977: Examination Report under Section 18(3)

Title: Multi-Circular Flux Motor

Latest date for reply: 22 Aug 2002

I have considered your request in your letter of 10 March 2001 and in view of your comments I agree to assist you in drafting your claims and any consequential descriptive revision. However, you should be aware of the status of examples or advice from the office. The position is set out below

Any examples of claims etc sent are prepared purely as guidance in revising your specification and set out some possible drafting arrangements to render your claims/description in an appropriate form.

It is pointed out that the wording of any claim submitted to the office is solely the applicants responsibility and suggested wording in the claims/description is merely for the purpose of example.

However, if you are satisfied that the example text reflects your intentions and suits your purposes, I am happy, on written request, to incorporate such example amendments as you request directly into your specification within the office to save you retyping pages.

At the present time I have considered only the format of the claims. Please see the

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Application No: GB 0022600.1

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17 October 2001

attached comments and the set of example claims which will hopefully clarify a way of drafting so that the scope of the claims may be properly understood. The question of any revision of the description can be deferred until the claims are settled on.

Addressing correspondence

All correspondence should be addressed to the Comptroller.

While my e-mail address is provided above, you should note that the Office is unable to accept documents, such as amendments to the specification, transmitted by e-mail. Your official response to my report must therefore be delivered by post, fax or hand. However, you may use e-mail if you have any questions about the report or the processing of the application.

Consequence of failing to reply

The application may be refused unless you reply to this report by the date set.

Yours sincerely

John Cockitt
Examiner

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Your ref:
Application No: GB 0022600.1
Applicant: Poramaste Jinupun

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Patents Act 1977 Examination Report under Section 18(3)

Please find attached an example set of claims.

In drafting these claims I have tried to retain the scope of the individual claims to broadly match the amended set of claims filed by yourself on 12 October 2000.

1. You will note that rather than producing independent claims for the toothed stator/toothed rotor embodiments I have produced a claim which covers relatively moving assemblies and introduced the concept of rotor/stator in claims 4 and 5. Additionally, the options set out in the last paragraph of the original claim 1 now form appendant claims 2 and 3 which relate separately to these aspects
2. I have tried to simplify the section of claim 1 on flux direction since it would appear that left and right hand aspect of the loops and the presence of odd and even teeth must be deducible from the new passage in the example claim 1 lns 10-14. Also the claim has been revised to indicate that the flux loops etc are only present when the arrangement is in use.
3. Claims 6-10 of the example version are intended to cover the various options set out in the original claims 3-5 whilst the original claim 6 corresponds to the example claim 12.
4. Claims 13-15 of the example version are intended to cover the various options set out in the original claim 7. Claims 16,17 of the example version are intended to cover the various options set out in the original claim 8. Claims 18,19 of the example version are intended to cover the various options set out in the original claim 9. Claim 20 covers the aspect common to the all original claims 7-9 ie the low ripple aspect. All these claims have been rejigged so that they relate to an apparatus per se rather than a method of design.

In respect of these claims I have not included the statement of the example number of poles other than any odd/even restriction since they can be any number. Similarly the example of number of stator teeth would appear to be rendered unnecessary by the statement imposing the integral restriction. This also applies to the configuration examples since they are deducible from the general formula for stroke angle. If you feel that these examples add to what is already implied in the claim then you could add them as further depending claims.

Please note that new claims 15,17,19 are specifically limited to 3 phase arrangement since as I understand your disclosure, the $\frac{2}{3}$ constant in the expressions is only relevant to a three phase machine. This would be different for four or five phase etc.

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Your ref:
Application No: GB 0022600.1

Date of Report: 17 October 2001
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[Examination Report contd.]

5. Example claims 21 -23 correspond to the disclosure of the original claims 11 and 12 whilst the original claim 10, in the same manor as the original claim 2 is no longer necessary since this is covered by the inclusion of example claims 4 and 5.

Your Action

6. You need to consider the examples carefully and taking into account the comments in paras 1-5 above and then decide whether you wish to draft new of further claims to clearly set out your intended monopoly or use the example claims in your application.

If however you decide to use the claims set out in the example you must satisfy yourself that they truly reflect your intended invention. Your attention is particularly drawn to paragraphs 2-4 of the covering letter.

7. Having decided on your course of action you will need either -

To file appropriate copies of amended claims; or

If you wish to use the example claims in their present form let me know in writing that this is your intention and I will prepare appropriate copies to replace the amended claims filed on the 12 March 2000.

Alternatively you may wish to file a combination of new claims and example claims if you feel that the latter do not cover all the aspects of your invention you wish to claim.

8. Any of these courses will constitute a reply to the official letter dated 2 March 2001 and I will then consider the description in the light of the replacement claims.

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